

TITLE 327 WATER POLLUTION CONTROL BOARD

IDEM'S SUGGESTED CHANGES TO THE PROPOSED RULE REGARDING AMENDMENTS TO THE LAND APPLICATION OF BIOSOLID, INDUSTRIAL WASTE PRODUCT AND POLLUTANT BEARING WATER AT 327 IAC 6.1

LSA Document #01-238

Revision made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version (LSA Document #01-238) have been made in the version of this rule presented to the board for final adoption.

| | | | |
|-----------|-----|-----------------------|--|
| Page 1166 | 1. | 327 IAC 6.1-1-4 | Delete the word "rule" and add the word " article " after the words "established in this". |
| Page 1167 | 2. | 327 IAC 6.1-2-6.5 | Add the definition "BOD" means the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time under specified conditions and is a standard test used in assessing wastewater strength. |
| Page 1170 | 3. | 327 IAC 6.1-2-55 | In (1), Add the word "a" before the word "treatment". In (2), add the word "a" before the word "generating". In (3), add the word "an" before the word "approved". |
| Page 1170 | 4. | 327 IAC 6.1-2-55.3 | Add the definition, "Surface conduit to a subsurface feature" means any surface expression of an enhanced pathway to a natural, geologic formation or manmade workings beneath the land surface. A surface conduit may include a sinkhole, slotted tile riser or catch basin. A subsurface feature may include underground mines, aquifers, or underground streams. |
| Page 1170 | 5. | 327 IAC 6.1-2-55.5 | Delete all language after the words "surface waters" and add the following, "means water present on the surface of the earth, including: (1) streams; (2) lakes; (3) ponds; (4) rivers; (5) swamps; (6) marshes; or (7) wetlands. |
| Page 1171 | 6. | 327 IAC 6.1-3-2(a)(2) | Delete "1(e)" and add " 1(h) ". |
| Page 1171 | 7. | 327 IAC 6.1-3-2(a)(3) | Delete "1(f)" and add " 1(i) ". |
| Page 1173 | 8. | 327 IAC 6.1-3-8(a)(3) | Delete the word "dewatered" after the words "contain a" and before the word "biosolid". |
| Page 1173 | 9. | 327 IAC 6.1-4-3(a)(1) | Delete "327 IAC 8" and add " 327 IAC 5-22 ". |
| Page 1173 | 10. | 327 IAC 6.1-4-3(a) | Add before the words "Notice must be submitted to the commissioner of any change...." the words "The license number or the affidavit must be submitted to the commissioner with the permit application and" . Delete the words "Notice must be submitted to the commissioner" and move the words "within thirty (30) days" to after the words "permit application and" . |
| Page 1174 | 11. | 327 IAC 6.1-4-3(d)(1) | Delete "4(10)" and add "4-10" after the words "comply with section" . |
| Page 1175 | 12. | 327 IAC 6.1-4-5.5(a) | Add the sentence "A hybrid permit is a type of non-site specific |

permit in which some sites are identified.” as the first sentence.

Page 1176 13. 327 IAC 6.1-4-6(a) Delete all subdivisions under subsection (a) and add the word “within” after the word “conducted” and the following table:

| Feature | Surface Application | Injection | Incorporation by end of day |
|---|----------------------------|----------------------------|-----------------------------|
| Surface waters or the surface conduit to a subsurface feature | 300 feet | 33 feet | 33 feet |
| Residence | 300 feet | To property line | 300 feet |
| Any well | 50 feet | 50 feet | 50 feet |
| Potable well or drinking water spring | 200 feet | 200 feet | 200 feet |
| Any public building or public or nonpublic school | 50 feet from property line | 50 feet from property line | 50 feet from property line |

Page 1176 14. 327 IAC 6.1-4-6(b)(1) Add the words “for a residence” after the word “distance”. Delete “(a)(3)” after the “subsection” and add the word “(a)”.

Page 1176 15. 327 IAC 6.1-4-6(b)(2) Add the words “for a residence” after the word “distance”. Delete “(a)(3)” after the “subsection” and add the word “(a)”.

Page 1176 16. 327 IAC 6.1-4-6(c)renumbered Delete renumbered subsection (c) and add the following “**Land application of a biosolid or industrial waste product must not be conducted on slopes greater than:**” and add the following table:

| | Surface Application | Injection | Incorporation by end of day |
|-----------|---------------------|-----------|-----------------------------|
| Liquid | 6% | 18% | 6% |
| Dewatered | 12% | NA | 18% |

Page 1177 17. 327 IAC 6.1-4-5.5(e)(2) Add “of two (2) milligrams per kilogram or” after the words “cadmium concentration”.

Page 1177 18. 327 IAC 6.1-4-5.5(e)(3) Add “of two (2) milligrams per kilogram or” after the words “cadmium concentration”.

Page 1181 19. 327 IAC 6.1-4-10(a)(1)(A) Add the word “pasture” after the word “hay” in Table 5.

Page 1186 20. 327 IAC 6.1-4-16(footnote) Delete the words “Solid and Hazardous” after the words “Office of” and add “Land Quality”.

Page 1187 21. 327 IAC 6.1-4-18(a)(2) Add “, unless the commissioner makes a determination that only an electronic copy is needed.” after the words “by this article”.

Page 1188 22. 327 IAC 6.1-5-3(a)(4)(B) Delete the words “seasonal high” after the word “slope”.

Page 1189 23. 327 IAC 6.1-5-4(c)(6) Delete the word “metric” after the words “more than one (1)” and add the word “dry” after the words “more than one (1)”.

Page 1190 24. 327 IAC 6.1-6-2(d) Delete the words “at the frequency in 327 IAC 6.1-4-16(f)” and add the word “semiannually”.

Page 1191 25. 327 IAC 6.1-7-1(a)(1) Delete “327 IAC 8” and add “327 IAC 5-22.”

Page 1191 26. 327 IAC 6.1-7-1(a) Add before the words “Notice must be submitted to the commissioner of any change....” the words “The license number or the affidavit must be submitted to the commissioner with the permit application and”. Delete the words “Notice must be submitted to

~~the commissioner~~” and move the words “**within thirty (30) days**” to after the words “**permit application and**”.

Page 1193 27. 327 IAC 6.1-7-3(c) Delete the word “**waived**” after the words “may be” and add the word “**exempted**”. Delete the word “**waiver**” before the words “**is conditional**” and add the word “**exemption**”. Delete the words “**the permit waiver is invalidated**”.

Page 1194 28. 327 IAC 6.1-7-5(a) and (b) Delete subsections (a) and (b) and renumber subsequent subsections. Add “**(a) Land application of pollutant-bearing water must not be conducted within:**” and the following table:

| | Surface applied | Applied beneath the surface |
|---|-----------------|-----------------------------|
| Surface waters or the surface conduit to a subsurface feature | 300 feet | 33 feet |
| Residence | 300 feet | To property line |
| Potable well or drinking water spring | 200 feet | 200 feet |

Page 1197 29. 327 IAC 6.1-7.5-1(2)(A) In (i) delete the word “**;or**” and delete (ii).

Page 1197 30. 327 IAC 6.1-7.5-1(2)(B) Delete the word “**other**” before the word “**location**”. Add the words “**,upon request, another,**” after the words “**at the facility or**”. Add the words “**, provided the records are accessible to department representatives**” after the words “**approved by the commissioner**”.

Page 1198 31. 327 IAC 6.1-8-1(f) Delete and renumber subsequent subsections.

Page 1198 32. 327 IAC 6.1-8-1(f)renumbered Delete the words “the effective date of this rule” and add “**June 14, 1998**” after the words “**prior to**” and the words “constructed on or before”. Unstrike “constructed on or before”.

Page 1200 33. 327 IAC 6.1-8-4(11) Delete the word “water” after the word “surface” and add the word “**waters**”.